

REMARKS/ARGUMENTS

Claims 9 to 11 and 22 to 23 remain in the current application. Claim 9 has been amended
Claims 1 to 8, 12 to 21 and 24 were previously cancelled.

Claims 9 to 11, 22 and 23 have been rejected under 35 U.S.C. 101 since the Examiner has stated that the disclosed invention is inoperative and therefore lacks utility. Applicant respectfully disagrees with the Examiner's rejection, however Claim 9 has been amended to include the subject matter that "a portion of" the slurry is directed through the pullhead/reamer. Support for this amendment is outlined below.

As disclosed on page 7 lines 28 to 31, "While the pullead/readmer **24** is rotating, it causes the slurry to enter the pullhead/reamer **24** via the flutes **48** located in its surface after the which the slurry is then forced into the steel connect **28** and pipe **30**. As disclosed on page 7 lines 34 to 35, "Pressure from the released bentonite by the slurry producing jets **50** also causes the slurry to enter the pipe **30** via the set of open flutes **48** defined by the struts **46**." It is respectfully submitted that these two passages reflect the nature in how the slurry is moved through the pullhead.

As the pullhead moves through the hole, the slurry produced by the jets may be splashed onto the surface of the pullhead. Further, as outlined in the specification and emphasized by the Examiner, the pullhead **24** creates a borehole that has a diameter approximately equal to the diameter of the pullhead at the second end. The smaller borehole results in less space for the slurry to remain and therefore, at least a portion of the slurry may be dragged forward towards the pullhead as the pullhead creates the hole and then into the steel connect via the flutes.

For at least these reasons, it is respectfully submitted that the disclosed invention is operative and includes utility. Retraction of Examiner's rejection of Claims 9 to 11, 22 and 23 is respectfully requested.

For the above reasons, it is respectfully submitted that the application is now in condition for allowance, which is requested. If there are any outstanding issues, the Examiner is invited to contact the undersigned to discuss this matter further.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,
ROTH, et al.

By: /Jeffrey W. Wong/
Jeffrey W. Wong
Registration No. 46,414
Agent for Applicant

Borden Ladner Gervais LLP
100 Queen Street
Ottawa, Ontario
Canada K1P 1J9

Telephone: 519-579-5600
Fax: 519-741-9149